THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 24993 of 2002

Date: 29.11.2007

Between:

M. Ramesh Babu.

..... PETITIONER

AND

The Central Power Distribution Company of A.P.,
rep. by its Superintending Engineer,
Ballary road, Kurnool and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 24993 of 2002

Order:

Questioning the notice dated 18.09.2002, issued by the 2nd respondent-Assistant Engineer, Distribution, Kurnool, directing the petitioner to make necessary arrangements for clubbing of 24 service connections existing in his name in the same premises, situated at Medum Complex, Kurnool, into one service connection as three phase meter, the petitioner filed the present writ petition.

The learned counsel for the petitioner submits that the impugned order is passed in violation of the principles of natural justice, in that no notice was issued to the petitioner before passing the said orders. The second contention advanced by the learned counsel for the petitioner is that earlier when the petitioner's service connection was changed from residential category-I to commercial category-II, he filed C.D. No.171 of 2002 before the District Consumer Forum, Kurnool, wherein the District Consumer Forum, Kurnool, having held that changing of category from residential to commercial is illegal, directed the respondents to change the Category-II into Category-I and to adjust the excess amount collected from the petitioner towards the future consumption charges and bills, by order dated 12.07.2002, and in view of the said orders, now the respondents cannot issue the present impugned order directing to club all the services into one service.

On the other hand, learned Standing Counsel for the respondent-APCPDCL submits that as per condition No.27.3 of the Revised Terms and Conditions of Supply of Electricity, the respondents have the power and authority to club different services in one establishment situated

within a single premises owned or leased by the same person for the purpose of clubbing as single establishment.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-APCPDCL.

A perusal of condition No.27.3 of the Revised Terms and Conditions of Supply of Electricity, clearly shows that the respondents have the power and authority to club different services in one establishment situated within a single premises owned or leased by the same person for the purpose of clubbing as single establishment. In that view of the matter, the contention of the learned counsel for the petitioner that keeping 24 meters in one premises cannot be treated as a commercial establishment and there is no reason to issue such a direction to club all the services into one service, cannot be accepted.

However, having regard to the orders passed by the District Consumer Forum, Kurnool, in C.D. No.171 of 2002, dated 12.07.2002, and in view of the contention raised by the petitioner that before passing the impugned orders, no notice was issued to him and principles of natural justice are violated, I deem it appropriate to dispose of the writ petition with the following directions:

The petitioner is directed to make a representation to the respondent-APCPDCL against the impugned orders, expressing his difficulties, within a period of two weeks from the date of receipt of a copy of this order, and on filing such representation, the respondents are at liberty to take appropriate decision in the matter in accordance with law, after taking into consideration the representation submitted by the petitioner.

Accordingly, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 29.11.2007

Nsr